

ARTICLE 28

NONCONFORMING USE

28-1 Continuation

- If at any time of enactment of this Ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this Ordinance, such manner of use or purpose may be continued as herein provided.
- If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years, after the enactment of this Ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this Ordinance.
- Whenever a nonconforming structure, lot, or activity has been changed to a more restricted nonconforming use, such existing use may only be changed to a use of the same restricted category or an even more restricted use or to a conforming use.

28-2 Permits

All nonconforming uses shall be issued a certificate of occupancy as soon as identified after the adoption of this Ordinance.

28-3 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

28-4 Changes in District Boundaries

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

28-5 Expansion or Enlargement

A nonconforming structure to be extended or enlarged shall conform with the provisions of this Ordinance

28-6 Nonconforming Lots

Any lot of record at the time of the adoption of this Ordinance which is less in area or width than the minimum required by this Ordinance may be used when the requirements regarding setbacks, side, and rear yards are met.

28-7 Restoration or Replacement

- If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this Ordinance.
- If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this Ordinance.
- Where a conforming structure devoted to a nonconforming activity is damaged less than fifty (50) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

- The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.